

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOEL KRIEGER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ATHEROS COMMUNICATIONS, INC.,
DR. WILLY C. SHIH, DR. TERESA H.
MENG, DR. CRAIG H. BARRATT,
ANDREW S. RAPPAPORT, DAN A.
ARTUSI, CHARLES E. HARRIS,
MARSHALL L. MOHR, CHRISTINE
KING, QUALCOMM INCORPORATED,
and T MERGER SUB, INC.,

Defendants.

Case No.: 11-CV-00640-LHK

ORDER RESCHEDULING HEARING
ON PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

On February 15, 2011, Plaintiff filed a motion for preliminary injunction to enjoin a shareholder vote that is currently scheduled for March 7, 2011. On February 16, 2011, the Court issued an order setting a briefing schedule and setting a hearing on Plaintiff's motion for March 1, 2011. In apparent violation of Civil Local Rule 3-13, Plaintiff failed to inform the Court that the instant action involves subject matter substantially similar to that at issue in twelve other cases pending in the Delaware Court of Chancery and the Santa Clara County Superior Court. In a letter brief filed on February 17, 2011, Defendants notified the Court that Vice Chancellor Nobel had previously set a preliminary injunction hearing for March 1, 2011, in the five cases pending in the Delaware Court of Chancery. Defendants therefore request that this Court continue the preliminary

1 injunction hearing to Friday, March 4, 2011. In opposing Defendants' request, Plaintiff argues that
2 its motion has merit, but has not explained why a three-day continuance would be prejudicial.
3 Accordingly, the Court will grant Defendants' request for a brief continuance. In order to give the
4 Court time to issue a ruling before the shareholder vote, however, the Court will reset the
5 preliminary injunction hearing for **Thursday, March 3, 2011, at 1:30 p.m.** If the Court
6 determines that the motion can be resolved without oral argument, the Court will vacate the hearing
7 in advance of the hearing date.

8 Defendants also seek the Court's guidance as to the preferred procedure for requesting a
9 stay of this action. Defendants request permission to brief this issue in their opposition briefs,
10 rather than filing a separate motion. In its letter brief to the Court, Plaintiff did not object to this
11 request. Accordingly, the Court will permit Defendants to request a stay and brief the issue in the
12 opposition briefs due on February 22, 2011.

13 Finally, the Court advises counsel that the Local Rules of this Court require miscellaneous
14 matters and requests to be brought to the Court's attention through a Motion for Administrative
15 Relief, not to exceed five pages. Civ. L. R. 7-11. The Court requests that all future filings in this
16 case comply with the Local Rules. The Court will disregard any further letter briefs.

17 **IT IS SO ORDERED.**

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19 Dated: February 18, 2011

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21 LUCY H. KOH
22 United States District Judge
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